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FILED
 Clerk
 District Court

DEC 22 2006

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
 FOR THE
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In re ORDER TO SHOW CAUSE

LI YING HUA, ET AL.,

Plaintiffs,

vs.

JUNG JIN CORPORATION, ET AL.,

Defendants.

CASE NO. CV 05-00019

DECLARATION OF COUNSEL IN
 SUPPORT OF MOTION FOR
 CONTINUANCE AND FOR SHORTENED
 TIME ON MOTION FOR
 CONTINUANCE

Time:

Date:

Judge: Munson

I, Richard W. Pierce, declare as follows:

1. Pil Sun Kim Kitami is a long time client in relation to my practice of law in the Commonwealth of the Northern Mariana Islands.

2. The attorney for the Plaintiffs know that I represent Ms. Kitami in relation to their secured interest in the properties described at paragraph one (1), subsections a, c, and d of the Court's December 7, 2006, Order in this proceeding. The counsel knows because I provided him documentation on the secured interests of Mrs. Kitami in the *res*, and I attended a deposition of Ms. Kitami taken by Plaintiffs' counsel.

3. I am in the continental United States for the holidays. I gave adequate notice to CNMI-based attorneys under CNMI law of my intended off-island status.

-1-

1 4. Ms. Kitami has a promissory note of \$300,000.00 (approximately) from the
2 individual defendants in this civil action and a properly secured interest in the property referenced
3 in paragraph 2, above. I prepared the instruments of debt and the security.

4 5. When I learned about the December 27, 2006, hearing on this Court's order to show
5 cause, I called Plaintiffs' counsel and told him of my circumstances. He offered to change the
6 December 27, 2006 hearing date until January 10, 2006, but I needed January 17, 2006, in order to
7 prepare. I return to the CNMI on January 3, 2006, and I will have matters which require attention
8 other than this case. One week is not sufficient time to research this matter and attend to other
9 clients.
10

11 6. The timing of the seizure of the *res* in this case has not been a product of Mrs.
12 Kitami. As her counsel, I had no notice of the motion for the order in aid of judgment, or of this
13 Court's order, until on or about December 19, 2006. Any emergency is a product of the Plaintiffs'
14 making.
15

16 7. On information and belief, Mrs. Kitami has paid the rent to the fee simple holder of
17 Lot 056 H 14 for about the last six months in order to preserve her mortgage interest.

18 8. As the counsel for Mrs. Kitami on this matter, I am in no position to represent her
19 adequately by the date of December 27, 2006, or January 10, 2007. If the Court does not grant the
20 continuance as requested until January 17, 2007, at least the Court should grant a continuance for
21 her to obtain other counsel.
22

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Dated: December 21, 2006, in Wintergreen, Virginia, USA.
26

27 /s/
28 Richard W. Pierce